

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mark J. Whalen et al.

Serial No. : 10/822,546 Examiner: Hoelestra, Jeffery Gerben

Filed : April 12, 2004 Group Art Unit: 3736

For : DIAGNOSTIC URETHRAL ASSEMBLY & METHOD

Docket No. : 25064/104/102

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):
  - i. ☒ Prior to abandonment of the application
  - ii. ☐ Payment of the issue fee
    - ☐ Prior to payment of issue fee
    - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
  - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
    - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or  
☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

#### **ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)  
☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

#### **FEE FOR REQUEST (37 C.F.R. § 1.17(e))**

4. This application is on behalf of:

- ☒ Small entity (and status is still as small entity)  
\$395.00
- ☐ Other than a small entity  
\$790.00

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(complete (c) or (d), as applicable)

- (c) ☐ No additional fee is required.

**OR**

- (d) ☒ Total additional fee required is \$ 100.00.

#### **EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees

for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than <u>small entity</u>	Fee for small <u>entity</u>
<input type="checkbox"/> one month	\$120.00	\$60.00
<input type="checkbox"/> two months	\$450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Fee: \$\_\_\_\_\_

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

**OR**

- (b) ☐ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e)) \$ 395.00

Fee(s) for additional claims (if any) \$ 100.00

(§ 1.16(b)-(d))  
Extension of time fee (if any) \$ \_\_\_\_\_  
(§ 1.17(a)(1)-(4))

Total Fee(s) Due \$ 495.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☐ Check is attached for the sum of \$ \_\_\_\_\_
- ☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_
- ☒ Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

#### INVENTORSHIP

9. This application as amended names as inventors:
- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
  - ☐ been filed

#### DEFERRAL OF EXAMINATION

10. ☐ A request for deferral of examination accompanies this request for continued examination.

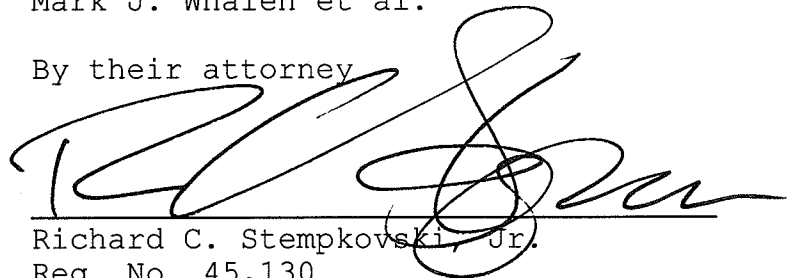
Respectfully submitted,

Mark J. Whalen et al.

By their attorney

Date

5/29/07



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